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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/824,845 | 04/02/2001 | John C. Goodwin III | 9325.00 | 1160 |

7590

03/06/2003

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,845

Applicant(s)

GOODWIN, JOHN C.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1,2,5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

Claims 1-2 and 5-6 are objected to because of the following informalities: In the claims, it is not clear whether "third product labels affixed to third instances of the product" represent separate distinct product labels on separate distinct product, or whether the "third product labels affixed to third instances of the product" represent a portion (i.e., subset) of the first product labels affixed to first instances of a product. (i.e., it is not clear whether the third amount of product is a subset of the first amount of product or not) (*note: Claim 1 is written as if the first and third product labels affixed to respective first and third instances of the product are separate and distinct; however, claim 2 appears to indicate that the third amount of product is a subset of the first amount of product*). Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. '134, in view of Can et al. '267.

Bowers et al. disclose or inherently teach all of the limitations of the claims (See specifically Col. 4, line 40 – Col. 5, line 45; the teaching of checkout, return, and

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inventory amount monitoring within the library) except the reference lacks for use in a retail-type environment where the product is "sold".

Can et al. teach a similar inventory managing system using wireless RFID tags, whereby the system is used in a retail environment and an interrogator monitors goods sold at a POS apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bowers et al. to utilize the system in a retail-type environment, in view of Can et al., in order to improve operations and efficiency within a retail environment (See Can et al., paragraph 0010).

Re claims 2 and 4: the limitations are obvious and well known in the retail environment to counter theft of goods and to maintain adequate amounts of goods on shelves.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al. '134, in view of Can et al. '267 and Sekiguchi et al. '312.

Bowers et al. disclose or inherently teach all of the limitations of the claims (See specifically Col. 4, line 40 – Col. 5, line 45; *the teaching of checkout, return, and inventory amount monitoring within the library*) except the reference lacks for use in a retail-type environment where the product is "sold", and further lacks the teaching of an electronic price display means.

Can et al. teach a similar inventory managing system using wireless RFID tags, whereby the system is used in a retail environment and an interrogator monitors goods sold at a POS apparatus.

Sekiguchi et al. teaches a rack labeling system whereby price labels on shelves are updated by a centrally controlled computer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bowers et al. to utilize the system in a retail-type environment and further to utilize an electronic price display system, in view of Can et al. and Sekiguchi et al., in order to improve operations and efficiency within a retail environment (See Can et al., paragraph 0010), and further to lessen the amount of manpower necessary to change price labels (See Sekiguchi et al., Col. 3, lines 4-6).

Re claims 6 and 8: the limitations are obvious and well known in the retail environment to counter theft of goods and to maintain adequate amounts of goods on shelves.

Conclusion

The prior art made of record and not relied upon in the attached PTO-892 is considered pertinent to applicant's disclosure.

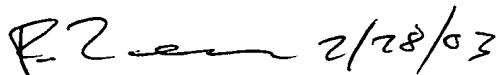
Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's

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phone number for the Technology center is (703) 308-1113 and the customer service number is (703) 872-9325.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

Handwritten signature of F. Zeender in black ink, followed by the date 2/28/03.

F. Zeender

Patent Examiner, A.U. 3627

February 28, 2003